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PATENT
030900 / CP.0021.US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 1623

Examiner: Paul V. Ward

In Re Application of

James A. McClain

Application No.: 10/782,215

Filed: February 19, 2004

METHOD OF PRODUCING
RESISTANT STARCH

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pittsburgh, Pennsylvania 15222
October 3, 2005

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant, in accordance with his duty of disclosure pursuant to 37 C.F.R. § 1.56, hereby advises the United States Patent and Trademark Office of the reference listed on the accompanying form PTO-1449 *Information Disclosure Citation*. The art cited in the present Statement was cited by the European Patent Office in an

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box: 1450, Alexandria 22313-1450.

International Preliminary Report on Patentability issued in connection with a counterpart application filed in the European Patent Office. The Report was mailed by the International Searching Authority on September 9, 2005, less than three months from the date of this Statement. A copy of each of the International Preliminary Report on Patentability and the Written Opinion of the International Searching Authority are enclosed.

Applicant further notes that the filing of this Information Disclosure Statement is not an admission that the references cited herein constitute prior art under 35 U.S.C. §§ 102-103 with respect to the captioned application. Applicant reserves the right to establish the scope of the invention, as defined by the claims, the patentability of the claimed invention over any of the information provided herein, and/or to provide that this information may not be prior art, and/or to prove that the information may not be enabling for the teachings purportedly offered.

Applicant believes this Supplemental Information Disclosure Statement fully complies with the disclosure requirements of 37 C.F.R. §§ 1.56, 1.97, and 1.98, inasmuch as under the revised rule 37 C.F.R. § 1.98 there is no requirement for Applicant to explain the relevance of the references cited in an Information Disclosure Statement unless those references are not in the English language. The relevance of any foreign language reference, if any, is indicated in the English abstract or English translation thereof.

Applicant notes that although the cited references may be relevant to the examination of the above-referenced application, under 37 C.F.R. § 1.97(h), the filing of this *Information Disclosure Statement* "shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b)."

Date: Oct. 3, 2005

Respectfully submitted,



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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/782,215
				Filing Date	February 19, 2004
				First Named Inventor	James McClain
				Art Unit	1623
				Examiner Name	Paul V. Ward
Sheet	2	of	2	Attorney Docket Number	030900 / CP.0021.US01

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		International Preliminary Report on Patentability for International Application No. PCT/US2004/004989, The International Bureau of WIPO, 2 pp. (September 9, 2005)	
		Written Opinion of the International Searching Authority for International Application No. PCT/US2004/004989, European Patent Office (acting as International Searching Authority), 5 pp. (September 9, 2005)	
		Smith, L.T. et al., "Dextrinization of Potato Starch with Gaseous Hydrogen Chloride," <i>Industrial and Engineering Chemistry</i> , American Chemical Society, U.S., Vol. 36, 1944, pp. 1052-1054	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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